

UNITED STATES DISTRICT COURT

Middle

District of

RECEIVED
Alabama

2006 NOV 28 A 10:02

APPLICATION TO PROCEED

WITHOUT PREPAYMENT OF

FEES AND AFFIDAVIT

Plaintiff

v.

CLERK'S OFFICE
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Defendant

I, Derrick D Smith 221124 declare that I am the (check appropriate box) petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration

Bullock County Corr. Fac.

Are you employed at the institution? No Do you receive any payment from the institution? No

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

No

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment
- b. Rent payments, interest or dividends
- c. Pensions, annuities or life insurance payments
- d. Disability or workers compensation payments
- e. Gifts or inheritances
- f. Any other sources

| | |
|---|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

\$10.00 every Month or every 2 Months

4. Do you have any cash or checking or savings accounts?

 Yes No

If "Yes," state the total amount. None

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? Yes No

If "Yes," describe the property and state its value.

None

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

None

I declare under penalty of perjury that the above information is true and correct.

10/16/06
Date

Signature of Applicant

Derrick Deveray Smith 221124

NOTICE TO PRISONER: A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

MIDDLE DISTRICT OF ALABAMA

RECEIVED

AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED
IN FORMA PAUPERIS

2006 NOV 28 A 10:01

Derrick D. Smith 221124

Plaintiff(s)

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

2:06cv1058-MEF

Capt. Nettles

Defendant(s)

I, Derrick D. Smith, being first duly sworn, depose and say that I am the plaintiff in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief. I recognize that I may be prosecuted for any false statement which I may make herein.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? Yes () No (X)

A. If the answer is YES, state the amount of your salary or wages per month, and give the name and address of your employer. N/A

B. If the answer is NO, state the date of last employment and the amount of salary or wages per month, and give the name and address of your employer. N/A

2. Have you received within the past twelve months any money from any of the following sources?

A. Business, profession, or form of self-employment? Yes () No (X)

B. Rent payments, interest, or dividends? Yes () No (X)

C. Pensions, annuities, or life insurance payments? Yes () No (X)

D. Gifts or inheritances? Yes () No (X)

E. Any other sources? Yes (X) No ()

If the answer to any of the above is YES, describe each source of money and state the amount received from each during the past twelve months. the only one I know about when I send out \$100.00 send in from and that was back in 2006 about 8 months ago

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
BULLOCK CORRECTIONAL FACILITY

AIS #: 221124 NAME: SMITH, DERRICK D. AS OF: 11/16/2006

| MONTH | # OF DAYS | AVG DAILY BALANCE | MONTHLY DEPOSITS |
|-------|--------------|----------------------|---------------------|
| NOV | 14 | \$35.71 | \$50.00 |
| DEC | 31 | \$33.92 | \$0.00 |
| JAN | 31 | \$0.18 | \$0.00 |
| FEB | 28 | \$0.18 | \$0.00 |
| MAR | 31 | \$0.18 | \$0.00 |
| APR | 30 | \$0.18 | \$0.00 |
| MAY | 31 | \$22.76 | \$100.00 |
| JUN | 30 | \$100.18 | \$0.00 |
| JUL | 31 | \$98.82 | \$0.00 |
| AUG | 31 | \$97.18 | \$0.00 |
| SEP | 30 | \$97.18 | \$0.00 |
| OCT | 31 | \$95.34 | \$0.00 |
| NOV | 16 | \$94.18 | \$0.00 |